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Supreme Court, U.S.
FILED

08-18 JUN 26 2008

OFFICE OF THE CLERK
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No. _____

In The
Supreme Court of the United States

_____ = _____

Catherine M. Starr
Petitioner

V.

United States
Respondent

_____ = _____

On Petition for Writ of Certiorari
to the United States Court of Appeals
for the Fifth Circuit
United States District Court
Hattiesburg Division

_____ = _____

On Petition for Writ of Certiorari

_____ = _____

Catherine M. Starr
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Record For Petitioner
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CONSTITUTIONAL QUESTIONS

1. (A) Under Article III and Amendment I–does the appeals court have jurisdiction to order the district court clerk not to accept other cases filed by an appealing party without permission from the district court judge?

(B) Under Article III and Amendment I–does a plaintiff have to get permission from a district court judge before they can file a complaint in the district court?

2. (A) Under Article III and Amendment I–does the district court judge have to give permission before the united states can answer a complaint filed against them?

(B) Under Article III and Amendment I–would the United States be in default if they do not answer a complaint filed against them without permission of a district court judge?

CONSTITUTIONAL QUESTIONS

AUXILIARY QUESTIONS

3. (A) Under Article III–does Moot and Frivolous have constitutional standing in a court of law?

(B) Under Article III–does Federal Rule of Civil Procedure, Rule 12 B attack the courts jurisdiction to here and decide any issue in a case?

PARTIES

All parties appear in the caption. Petitioner will be referred to by name, "Starr"; Respondent will be referred to as "United States".

TABLE OF CONTENTS

		Page
1.	Constitutional Questions	i,ii
2.	Parties	iii
3.	Table of Contents	iv
4.	Table of Authorities Constitutional Authority	v
5.	Citation to Opinions	1
6.	Jurisdiction	2
7.	Constitutional Provisions	2
8.	Statement of the Case	3–11
9.	Reason for Granting Writ	12, 13
10.	Argument	14-17
11.	Summary of Argument	18, 19
12.	Conclusion and Prayer	20
13.	Order of Dismissal	App. 1, 2
14.	Fifth Circuit, Conference Calendar	App. 3, 4
15.	On Petition for Rehearing	App. 5
16.	Order From the Fifth Circuit Court of Appeals August 21, 1997, Case No. 97–60168	App. 6

TABLE OF AUTHORITIES

CONSTITUTIONAL AUTHORITY

Article III–U.S. Constitution
Amendment I–U.S. Constitution

Cases–
Marbury V. Madison, 1 Cranch 137; 2 L. Ed. 60 (1803).

United States V. Richard M. Nixon, 418 U.S. 683; 94 S. Ct, 3090; 41 L. Ed. 2d 1039 (1974).

Mississippi V. Johnson, 4 Wallace 475; 18 L. Ed. 437 (1867).

CITATION TO OPINIONS

On April 11, 2007, Judge Keith Starrett dismissed Appellant/Plaintiff, "Starr" complaint, he stated, "It was brought to the court's attention that by order dated September 17, 1997, in docket # 97–60168, in the United States Court of Appeals for the Fifth Circuit, the court stated; "The clerk of this court is directed to instruct the clerk of the southern district of Mississippi not to accept pleadings or other filings from "Starr" without permission of a district judge". The court finds that the clerk's office accepted filing of the complaint in the above styled case in error "Starr" has not demonstrated that she obtained permission from a district judge prior to filing same and, therefore, the court finds that the complaint should be dismissed without prejudice.

The Fifth Circuit Court of Appeals re-affirmed the district courts Dismissal.

JURISDICTION

The court has jurisdiction of the case pursuant to 28 U.S.C. SS 1254.

CONSTITUTIONAL PROVISIONS

Article III – U.S. Constitution 1st Amendment – U.S. Constitution

CASES–

Marbury V. Madison, 1 Cranch 137; 2 L. Ed. 60 (1803).

United States V. Richard M. Nixon, 418 U.S. 683; 94 S. Ct, 3090; 41 L. Ed. 2d 1039 (1974).

Mississippi V. Johnson, 4 Wallace 475; 18 L. Ed. 437 (1867).

STATEMENT OF THE CASE

On March 26, 2007, I, "Starr", filed a complaint, petition, in United States district court in Hattiesburg, Mississippi, against the "United States" and its agencies for violating my Intellectual Private Property Rights for secretly spying on me.

They went into my head and were stealing my ideas, thoughts, sayings, writings and acts as their own and they were copying me and using it as their own and profiting from it. And they were allowing others, networks, organizations, agencies and others to spy on me as well so they too could use my work and profit from it.

The United States owes me as a born citizen of the United States, all the rights and protections that is provided for under the laws and constitution of the United States against unwarranted secret spying, theft and coping my Intellectual Private property, ideas, thoughts, writings, sayings for profit or for their own use without my being compensated for it.

The United States Government and their agencies have gone into my mind, head and body without my permission and without compensating me for it. They have violated me and my private property. And they have profited from it and allowed others as well.

The V Amendment to the U.S. Constitution says private property shall not be taken for public use without just compensation.

I cannot get a life as long as these spiers are spying on me. These spiers have made my life a living hell for 22 years, every minute, hour and day.

In the case Katz V. United States, what a person seeks to preserve as private (even in an area accessible to the public) may be constitutionally protected, under the Fourth Amendment. And there are other protections throughout the constitution.

My rights under the constitution has been violated by the United States Government.

The U.S. Constitution has zones of privacy. The Supreme Court has recognized that there are zones of privacy.

And what this government has done (going into someones mind is the most heinous crimes of torture and violations of constitutional and criminal law. And those involved should be prosecuted for this.

I now know looking back that Presidents of the United States have used my sayings and words and ideas in their speeches without my knowledge, and others have done the same thing. This is reprehensible and in violation of every law and rights we have in this country. I don't think there is any thing you can do worse than this. I have been a prisoner of this government for over 22 years and I have committed no crime.

This secret spying is far greater than the Pentagon papers. My private property is not for sale. This spying has been going on at least since 1985. Presidents, Reagan-Bush/ Bush-Quail/ Clinton-Gore/Bush-Cheney.

Illegal spying, eavesdropping, wiretapping, and government spying by satellite for profit.

I ask under the Interrogatories that the United States and its agencies give plaintiff copies of all their spying documents.

I believe this spying is behind all the attacks against me, directly or indirectly. This is wrong-doing by the United States Government. I have committed no crime and their secret spying is unwarranted and borders voyeurism which is a criminal act and all involved should be prosecuted.

I ask for a trial by jury. And I cited, Marbury V. Madison, 1 Cranch 137; 2L Ed. 60 (1803).

On April 11, 2007 Judge Keith Starrett issued an order of dismissal. He stated: "It was brought to the courts attention that by order dated September 17, 1997, in docket # 97–60168, in the United States Court of Appeals for the Fifth Circuit, the court stated: "The Clerk of this court is directed to instruct the clerk of the southern district of

Mississippi not to accept pleadings or other filings from Catherine M. Starr without permission of a district judge", that the court finds that the clerk's office accepted the complaint in error". The United States Attorney General did not answer my complaint.

I believe someone from the Justice Department called the clerk in the district court and had him to look up this old case and misrepresent it so they could have a reason to get their case dismissed. Of course Judge Starrett has said someone brought it to his attention.

The U.S. Attorney General did not answer my complaint, which leads me to believe they knew the case was going to be dismissed in advance. This was done to cover-up the wrong doing and illegal activity of the United States.

I decided to follow the process and ask Judge Starrett to reverse his dismissal and put my case back on the docket and I be granted a judgement by default against the United States for failure to answer the complaint.

Judge Starrett was in error to dismiss this case based on an order from the appeals court.

Judge Starrett was in error to dismiss petitioner "Starr's" complaint based on a case back on August 21, 1997, that has nothing to do with this case on appeal.

Judge Starrett misrepresented the appeals court order of August 21, 1997.

The appeals court has limited jurisdiction and does not have jurisdiction over any other case other than the case on appeal.

This is why I ask the Question under Article III and Amendment I, 1. (B)–does a plaintiff have to get permission from a district court judge before they can file a complaint in the district court?

1. (A) Under Article III and Amendment I–does the appeals court have jurisdiction to order the district court clerk not to accept other cases filed by an appealing party without permission from the district court judge?

2. (A) & (B) are Questions because the United States did not answer the complaint and did not answer my appeal. They knew in advance the case was going to be dismissed. They think they are above the law.

And F.R.C.P. Rule 12 B motions were used as a reason to dismiss the case on August 21, 1997. And in another case as a reason to dismiss the court

stated Rule 12 B attacks the courts jurisdiction to hear and decide any issue in a case.

The Auxiliary Questions is because in the case on August 21, 1997, Moot and Frivolous was used in that case as a reason the appeals court issued its order.

I believe Moot and Frivolous attack the constitution and are unconstitutional as a reason to dismiss a case. They have no meaning or fact in law and should not be used in a judgement, they are abstracts, under Marbury V. Madison they are repugnant to the constitution and should be voided out as a judgment to dismiss.

Under Article III, Rule 12 B Motions attack the constitution and are unconstitutional, jurisdiction is specifically stated by the constitution and congress cannot increase or decrease its jurisdiction, citing Marbury V. Madison.

Judge Starrett is voiding out the U.S. Constitution and making it an abstract in violation to Article III and Amendment I.

According to Judge Starrett Rule 12 B trumps the U.S. Constitution.

The right to petition the court is a right guaranteed under the bill of rights. And no judge should have unbridled jurisdictional discretion to block a plaintiff from filing a complaint or to petition the court for a redress of grievances.

The appeals court was in error to issue this order on August 21, 1997, and Judge Starrett was in error to block Appellant/Plaintiff/Petitioner from filing this case.

The clerk was not in error to accept Appellant/Plaintiff/Petitioner complaint. The United States was in default for not answering the complaint. In the case U.S. V. Nixon the President is not immune from the process.

REASON FOR GRANTING WRIT

I. We have a constitutional crisis and this case is of such imperative public importance as to justify deviation from normal practice and requires immediately settlement in this court. 28. U.S.C. SS2101 (e).

These are constitutional questions that if not settled in this court voids out our constitution, voids out the bill of rights, voids out supreme court decisions, Marbury V. Madison, U.S. V. Nixon and others and makes our constitution an abstract.

Rule 12 B, Moot and frivolous trump the U.S. Constitution.

If this case is not settled in this court it will prohibit others from filing cases in the district court. They will have to get permission from the district court judge before they can file a case in the district court.

This will give the district court judge unbridled discretion as to who can and cannot petition the court. And our constitution will become secondary

and will become an abstract. Our government will then be ruled by a dictorship.

It is very important that this court settle this case so we can keep our constitution in tack. And will affirm our constitution cannot be violated.

The appeals court order of August 21, 1997, in docket # 97–60168 violates the constitution and violates their jurisdiction. They did not have jurisdiction to issue such an order.

If not settled in this court this order could have all kinds of ramifications in other cases. The district court judges will have power over the constitution.

This is what Ben Franklin warned us about when he said, "I have brought you a Republic if you can keep it."

ARGUMENT

Judge Starrett is voiding out the U.S. Constitution and making it an abstract, Article III and Amendment I. He is voiding out Supreme Court decisions and making them an abstract, Marbury V. Madison, U.S. V. Nixon and others.

He has violated my rights under the U.S. Constitution, the right to petition the courts for a redress of grievances. Judge Starrett and the appeals court has used Moot, Frivolous and Rule 12 B as authoritative law. Voiding out the U.S. Constitution, Article III and Amendment I.

Moot. Frivolous and Federal Rule of Civil Procedure, Rule 12 B trumps the U.S. Constitution and sets precedence over the constitution making the constitution an abstract and making the process an abstract. We now have a dictorship under Judge Starrett, the appeals court judges and the Justice Department.

Judge Starrett has stated, F.R.C.P. Rule 12 B attacks the courts jurisdiction to hear and decide any issue in a case.

Jurisdiction is specifically stated by the constitution, congress cannot enlarge or decrease that jurisdiction, citing the case Marbury V. Madison.

Now Judge Starrett is using an order back on August 21, 1997, by misrepresenting the order as a reason to dismiss this case. This is perjury and fraud and covers-up the illegal activity of the United States, and obstructs the process and obstructs justice.

Judge Starrett is using unbridled jurisdictional discretion by falsifying and abusing the courts order of August 21, 1997, and violating Article III and Amendment I by stating plaintiff has to get his permission before filing a case in his court.

Article III and Amendment I does not give him (Judge Starrett) jurisdiction to decide what case he wants to hear.

Under Article III jurisdiction is specifically stated by the constitution and congress nor Judge Starrett nor the appeals court Judges King, Wiener and Elrod, and the appeals court judges, who issued the order on August 21, 1997, Judges Jolly, Wiener and Barksdale, can enlarge or decrease that jurisdiction, citing Marbury V. Madison.

Neither Judge Starrett nor the appeals court has jurisdiction to decide whether appellant/Plaintiff/ petitioner should get permission from a district court judge before "Starr" can file a complaint in the district court. That jurisdiction has already been decided under Article III, Amendment I and the Bill of Rights.

And the appeals court cannot issue such an order and if such an order exist then they have violated their jurisdiction because they only have limited jurisdiction and do not have jurisdiction over the district court other than as to make a ruling in a case before them, and do not have jurisdiction over any other case and do not have jurisdiction over Appellant/ Plaintiff/Petitioner "Starr".

In the case United States V. Richard M. Nixon the court ruled that the President was not immune from the process and is not immune from prosecution.

When you ignore the process and ignore the constitution, you cannot claim immunity, citing the case United States V Nixon.

The United States did not answer the original complaint. Did not answer the appeal to the Fifth Circuit Court of appeals, although the Fifth Circuit ordered the United States to answer the appeal. The United States did not answer any pleading. The Attorney General has completely ignored the laws and the Constitution and the process and obstructed justice. They have completely failed, and judgement should be in favor of Appellant/Plaintiff/ Petitioner "Starr".

SUMMARY OF ARGUMENT

Judge Starrett misrepresented the order of August 21, 1997. He misquoted it. And the appeals court reaffirmed Judge Starrett.

They were wrong. This was done to cover-up the illegal activity of the United States, so they would not have to answer the complaint, and I believe the President and the Attorney General was behind this cover-up and dismissal.

Now, never the less we are where we are based on what Judge Starrett and the Appeals court have done.

We are assuming that they have accurately quoted the order of August 21, 1997. And based on that order, I believe the courts dismissal was in error and the District Court Clerk did not error in accepting Appellant/Plaintiff/ Petitioner "Starr" complaint.

Based on Article III and Amendment I, Judge Starrett violated Petitioner, "Starr" rights to petition the court for a redress of grievances.

Jurisdiction is specifically stated by the constitution, under Article III, and congress nor Judge Starrett or the appeals court cannot decrease or increase that jurisdiction, citing Marbury V. Madison.

If Judge Starrett's dismissal stands based on the order of August 21, 1997, he and the appeals court will have unbridled jurisdictional discretion over the courts and will have power over the constitution, Article III and Amendment I, and can void out the U.S. Constitution and replace it with Rule 12 B, Moot, Frivolous and an order that was unconstitutional on its face.

It is this courts responsibility to make sure our constitution is protected and preserved.

So, I am asking this court to make a ruling in this case, based on the laws and the constitution Under Article III and Amendment I.

CONCLUSION AND PRAYER

The United States or Solicitor General should not be allowed to make a pleading or objection to this court, in this case, they never answered the original complaint, when on more than one occasion they had an opportunity to do so. This is gross negligence by the United States and judgement should be for plaintiff.

I pray for this Honorable Court.

FOOTNOTE: Judge Starrett in his order of dismissal on April 11, 2007 has misquoted the date of the order of the appeals court, he stated it was dated *Septeber 17, 1997, it was dated *August 21, 1997.

He never had a copy of this order and he never read the order. He made his ruling based on what someone else brought to his attention, hear say.

I am also asking this court to subpoena Judge Starrett to testify as to who brought this order to his attention. I want to know, this would help to make the record complete.

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF' MISSISSIPPI HATTIESBURG DIVISION

Catherine M. Starr
Vs. Civil Action No.
United States 2:07cv 68-KS-MTP

ORDER OF DISMISSAL

The court sua sponte considers the complaint filed on March 26, 2007, by Catherine M. Starr in the above styled and numbered case. It was brought to the Court's attention that by order dated September 17, 1997, in Docket # 97–60168, in the United States Court of Appeals for the Fifth Circuit, the Court stated: "The Clerk of this Court is directed to instruct the Clerk of the Southern District of Mississippi not to accept pleadings or other filings from Catherine Starr without permission of a District Judge."

The Court finds that the Clerk's office accepted filing of the complaint in the above styled case in error. Ms. Starr has not demonstrated that she obtained permission from a District Judge prior to filing same and, therefore, the Court finds that the complaint should be dismissed without prejudice and the filing fee of $350.00 returned to Ms. Starr.

SO ORDERED this, the 11th day of April, 2007.

s/Keith Starrett
UNITED STATES DISTRICT JUDGE

REVISED FEBRUARY 28, 2008

IN THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

NO. 07–60405

Conference Calendar

CATHERINE M. STARR

Plaintiff-Appellant

V.

UNITED STATES OF AMERICA

Defendant–Appellee

APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF MISSISSIPPI

USDC NO. 2:07-CV-68

Before KING, WIENER, and ELROD, Circuit Judges.

PER CURIAM: *

Catherine M. Starr appeals the district court's dismissal of her suit for an abuse of discretion. See Gelabert V. Lynaugh, 894 F. 2d 746, 747–48 (5th Cir.

1990). Starr argues that the sanction order was false and was limited to the proceedings of the prior suit. Starr is correct in that the 1997 santion order prohibited her, without exception, from filing any motions or pleadings related to the prior suit or her involuntary commitment to the Mississippi State Hospital at Whitfield in this court or any district court in the circuit. The sanction order then provided that other pleadings or filings could be filed with the permission of a district judge. The record is clear that she was sanctioned by this court and that she had not complied with the sanction order by requesting and receiving permission to file the instant complaint. The district court did not abuse its discretion in enforcing the prior sanction order by dismissing Starr's complaint.

AFFIRMED; ALL OUTSTANDING MOTIONS ARE DENIED.

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*Pursuant to 5th Cir. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5th Cir. R. 47.5.4

IN THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

NO. 07–60405

CATHERINE M. STARR

Plaintiff–Appellant

V.

UNITED STATES OF AMERICA

Defendant–Appellee

Appeal from the United States District Court for the Southern District of Mississippi, Hattiesburg

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ON PETITION FOR REHEARING

Before KING, WIENER, and ELROD, Circuit Judges.

PER CURIAM:

IT IS ORDERED that the "motion to reconsider" treated as a petition for rehearing is DENIED.

ENTERED FOR THE COURT:

Jennifer W. Elrod

UNITED STATES CIRCUIT JUDGE

REHG–2 U.S. COURT OF APPEALS
FILED APR. 10, 2008
Charles P. Fulbruge III, Clerk

IN THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

NO. 97–60168

FILED AUGUST 21, 1997

This is the Order Judge Starrett used as a reason to dismiss my case:

IT IS FURTHER ORDERED that the plaintiff-appellant, Catherine M. Starr, is prohibited from filing any further motions, pleadings or other documents with this court, or in any of the district courts within the Fifth Circuit, in connection with the claims that she has filed to date in this matter. The clerk of this court is directed to instruct the clerk of the southern district of Mississippi not to accept pleadings or other filings from Starr without the written permission of a district judge.

All other pending motions in this appeal are hereby denied.